

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance	• •	Administration	• •	Executive/Legal	• •	Enforcement	• •	Statements of Economic Interest
(916) 322-5662		322-5660		322-5901		322-6441		322-6444

March 14, 1985

Richard T. Pitts, D.O.
Front Line Community Physicians
Medical Group
1516 E. Collins Avenue
Orange, CA 92667

Re: Your Request for Advice
Our File No. A-85-028

Dear Dr. Pitts:

Thank you for your letter requesting advice concerning your duties and the duties of Dr. Donald Dilworth under the conflict of interest provisions of the Political Reform Act.^{1/} This advice is based on the facts you provided in your letter and in telephone conversations.

FACTS

You and Dr. Dilworth were recently appointed to the Board of Osteopathic Examiners (Board). The Board is responsible for testing prospective Doctors of Osteopathy in California. The Board's duties may also include the approval or accreditation of the College of Osteopathic Medicine of the Pacific (College). Pursuant to 16 Cal. Adm. Code Section 1631, no person may be considered by the Board for a license to practice osteopathy in California unless he or she has graduated from a school approved by the Board. The College is currently accredited by the American Osteopathic Association and approved by the Board.

You are currently employed as a part-time lecturer at the College, and you receive in excess of \$250 per year from the College for your services. Dr. Dilworth serves on the Board of Trustees of the College, but receives no salary or other income

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

Richard T. Pitts, D.O.
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from the College for his services. The College has verified this information.

QUESTIONS

Does the Political Reform Act prohibit you or Dr. Dilworth from serving as members of the Board of Osteopathic Examiners because of your affiliations with the College?

If you and Dr. Dilworth are not prohibited from serving as members of the Board of Osteopathic Examiners, are either of you required to disqualify yourself from participating in the Board's decisions concerning the examination of graduates of the College for a license to practice osteopathy in California, or the approval or accreditation of the College?

CONCLUSIONS

The Political Reform Act does not prohibit you or Dr. Dilworth from serving as members of the Board of Osteopathic Examiners.

You are required to disqualify yourself from participating in any of the Board's decisions which could have a reasonably foreseeable material financial effect on the College. However, Dr. Dilworth may participate in decisions of the Board which concern the College.

DISCUSSION

Section 87100 prohibits any public official from making, participating in, or attempting to use his official influence in which he knows or has reason to know he has a financial interest. The conflict of interest provisions of the Political Reform Act do not prohibit you or Dr. Dilworth from serving as members of the Board of Osteopathic Examiners. However, the Act's provisions may affect decisionmaking by you and Dr. Dilworth as members of the Board.

A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect on:

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status,

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aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

Section 87103(c) and (d).

Regarding Dr. Dilworth's responsibilities under the Political Reform Act, it is important to note that although Dr. Dilworth is a trustee of the College, he receives no salary or other income from the College. Therefore, the College is not a source of income which might create a conflict of interest for Dr. Dilworth under the Political Reform Act.

Section 87103(d) provides that a public official has a financial interest in a decision if the decision would have a reasonably foreseeable material effect on any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management. Dr. Dilworth is a trustee of the College, but the College is not an enterprise or organization operated for profit, and therefore is not a "business entity" for purposes of the Political Reform Act. Section 82005. Accordingly, Dr. Dilworth does not have a financial interest in the College due to his position as a trustee of the College, and he may participate in decisions of the Board which affect the College.

Turning to your duties under the Political Reform Act, the College is a source of income in excess of \$250 to you. Under the Act, "income" means any payment, including reimbursement for expenses. Section 82030. Therefore, if, as a member of the Board of Osteopathic Examiners, you are confronted with a decision that could have a material financial effect on the College, you must disqualify yourself from making, participating in, or attempting to influence that decision.

Commission regulation 2 Cal. Adm. Code Section 18702(b)(3)(D) specifies that the effect of a decision on a nonprofit organization such as the College will be considered material if it is "significant." Significant financial effects on the College would include a significant increase or decrease in the number of students or faculty, a significant increase or decrease in tuition or faculty salaries, or a significant increase or decrease in the College's expenditures. You must

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examine each decision before the Board and determine whether there is a substantial likelihood that the Board's action could have a material financial effect on the College.

With regard to whether the Board's duty to examine graduates of the College for a license to practice osteopathy would have a reasonably foreseeable material financial effect on the College, the Board's decisions affecting individual graduates of the College should be distinguished from Board decisions which affect the College itself. Although the Board's decisions about the licensing of individual graduates of the College are probably of concern to the College, it appears unlikely that these Board decisions would have a reasonably foreseeable material financial effect on the College.

With regard to whether the Board's approval or accreditation of the College would have a reasonably foreseeable material financial effect on the College, it is important to note that the College may remain in operation and may continue to issue degrees without the Board's approval or accreditation, so long as the College is accredited by a national or applicable regional accrediting agency recognized by the United States Department of Education (Education Code Sections 94310 and 94311). You have stated that the College is currently accredited by the American Osteopathic Association, a national accrediting agency recognized by the United States Department of Education. Accordingly, a Board decision on whether or not to continue its approval of the College would not affect the College's ability to function as a College of Osteopathy. However, if any other decision of the Board is likely to significantly affect the College's ability to remain in business, you must disqualify yourself from participating in that decision.

The Board's approval or accreditation of the College is required in order for graduates of the College to be considered by the Board for a license to practice osteopathy in the State of California. The College is currently approved by the Board, but the Board may reconsider its approval. Although the direct effect of a Board decision regarding the approval or accreditation of the College would be on the graduates of the College, you should consider whether the Board's decision is likely to significantly affect the number of students who will attend the College, or could otherwise have a reasonably foreseeable material financial effect on the College. If you determine that the Board's decision could have a reasonably foreseeable material financial effect on the College, you must disqualify yourself from participating in the Board's decision.

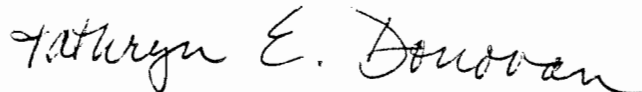
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In deciding whether a Board decision on continued approval would significantly affect the number of students enrolled in the College, you should consider the fact that the College is the only school of osteopathy approved by the Board in California, and, according to the newspaper article you attached to your letter, the only such school in the West. Mr. Gareth Williams, Executive Director of the Board, has informed me that there are 14 other schools of osteopathy in the United States that are approved by the Board, and that, in recent years, approximately 50 to 60 percent of the graduates of the College remain in California to practice osteopathy after graduation, while the other 40 to 50 percent leave California after graduation. Mr. Williams also noted that graduates of the College who have received financial assistance from the Armed Forces often have commitments immediately after graduation which require them to leave California, although they may plan to return to practice in California eventually. Another factor you should consider in this regard is the extent of competition for admission to the College and to other schools of osteopathy. The competition for admission to schools of osteopathy may be such that the number of students who wish to attend the College would not be affected by the Board's action on approval.

Finally, Mr. Williams stated that the number of students who are able to obtain financial assistance from the Armed Forces appears to be decreasing, and that this may increase the number of graduates of the College who remain in California after graduation. You should consider this and other relevant information with regard to its impact on the foreseeability of the effect of the Board's decision on the College, as well as with regard to the materiality of the effect.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Very truly yours,



Kathryn E. Donovan
Counsel
Legal Division

KED:plh

RUTAN & TUCKER

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CABLE ADDRESS RUTAN TUC CSMA

February 4, 1985

IN REPLY PLEASE REFER TO

Ms. Barbara Milman, General Counsel,
Fair Political Practices Commission,
1100 K Street
Sacramento, California, 95814

Re: Advice Letter - Conflict of Interest

Dear Ms. Milman:

This firm is the contract City Attorney for the City of San Fernando. By this letter, we respectfully request that the Fair Political Practices Commission issue an Advice Letter regarding a possible conflict of interest of one of the City of San Fernando's Councilmembers regarding the following factual situation.

The City of San Fernando, approximately 2.4 square miles in size, is completely surrounded by the City of Los Angeles and consists of approximately 18,000 people. A 4.2 acre parcel of property ("the subject parcel") straddles the border between San Fernando and Los Angeles, with 2.73 acres in San Fernando and 1.4 acres in Los Angeles. Although the subject parcel is undeveloped, it is located in the middle of a single-family residential area, with most San Fernando properties in the vicinity of the subject parcel being developed in single-family homes on 7,500 square foot minimum lots.

The zoning of the San Fernando portion of the subject parcel is R1 (Single-family Residential) which requires minimum lots of 7,500 square feet. The Los Angeles portion of the subject parcel is presently undergoing a rezoning from a tentative medium density classification (TR4-1) to R1, which in Los Angeles permits single-family homes on 5,000 square foot lots.

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Back in 1980, the City Council rezoned the San Fernando portion of the subject parcel to R2, which would have allowed development of apartment units on the property. This decision was subsequently voided in a referendum election. The referendum election resulted in the subject parcel's owner filing various lawsuits against the City to restore the zoning to allow multi-family development. These lawsuits are not yet fully resolved.

The owner of the subject parcel has indicated that it will seek a zone change from the City of San Fernando on the San Fernando portion of the subject parcel to apply an overlay zone, the Residential Planned Development (RPD) Overlay Zone, on its present R1 zoning. If approved, the RPD Overlay would allow development of the subject parcel with single-family residences on 5,000 square foot lots, as opposed to the 7,500 square foot minimum lots otherwise allowed under straight R1 zoning. Such a rezoning could potentially settle the lawsuits filed against the City, thus foreclosing any possibility of multiple-family development of the subject parcel.

The San Fernando Councilmember in question owns a home, as her principal residence, on an approximately 7,500 square foot lot, which backs up to the subject parcel. I have enclosed a map of the area which shows the subject parcel and the Councilmember's property.

The Councilmember has previously indicated that she believed development of the subject parcel with multiple-family units or single-family homes on 5,000 square foot lots would potentially affect the value of her property (which she values at under \$200,000) by more than \$1,000. Based on this, we issued the enclosed opinion in November of 1983, recommending that the Councilmember disqualify herself from any discussions or actions regarding either settlement of the suits or rezoning of the subject parcel. Advice summaries included in FPPC Bulletins subsequent to this opinion would seem to support the recommendation for disqualification. (See, e.g., Letter to Charles D. Haughton, September 10, 1984, File Number A-84-169 and Letter to Raymond M. Haight, September 6, 1984, File Number A-84-209.)

Although the Councilmember in question initially disqualified herself from participating in discussions regarding the subject parcel, she subsequently altered her position based upon advice of private counsel. While she has not disclosed the

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identity of her private counsel or any written documentation concerning this issue, she has asserted that specific proof must be provided that any rezoning decision for the subject parcel will affect the fair market value of her property by over \$1,000 before she will disqualify herself. The Councilmember thus intends to participate in any and all hearings and decisions regarding the rezoning of the subject parcel and the settlement of the pending lawsuits in the absence of such proof.

Based upon the foregoing, the City requests an Advice Letter as to whether, and under what circumstances, the subject Councilmember must disqualify herself. Should you need any clarification of the facts in issue or have any other questions or comments, please feel free to contact me.

Very truly yours,



Robert S. Bower
City Attorney
City of San Fernando

RSB:rg

cc: City Council, San Fernando

cc: City Administrator, San Fernando

LEGEND

SUBJECT PARCEL

Councilmember's Property



M E M O R A N D U M

TO: DON PENMAN
FROM: CITY ATTORNEY'S OFFICE
RE: DISQUALIFICATION OF CITY COUNCILMEMBER
DATE: NOVEMBER 18, 1983

The City Council of San Fernando is exploring the potential settlement of two lawsuits against the City by a developer; settlement possibilities include the sale to developer of certain surplus City property at fair market value and the rezoning of this parcel and an adjacent parcel owned by developer to allow development in single-family detached units at a slightly denser level than currently permitted.

One of the City Councilmembers owns a home, as her principal residence, which backs up to the proposed development site. This Memorandum addresses the issue of whether such Councilmember should disqualify herself from participating in the settlement agreement and possible rezonings due to a potential conflict of interest.

DISQUALIFICATION OF COUNCILMEMBER

Government Code Section 87100 sets forth disqualification provisions due to conflict of interest of government officials:

No public official at any level of State or local government shall make, participate in

making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. (Gov. Code § 87100.)

An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on any real property which the public official has a direct or indirect interest in worth more than \$1,000. (Gov. Code §87103.)

Thus, under the foregoing provisions, it is evident that several elements must be present before a public official is required to disqualify himself from participation in a governmental decision.

First, it must be reasonably foreseeable that the governmental decision will have a financial effect;

Second, the anticipated financial effect must be on certain financial interests of the official, as defined in Section 87103;

Third, the anticipated financial effect must be material; and

Fourth, the governmental decision's anticipated financial effect on the official's financial interest must be distinguishable from its effect on the public generally.

1. Foreseeable Effect.

The test of foreseeability is not whether an effect is conceivable, but whether there is a substantial probability or likelihood that the effect will occur. (See, Thorner, Tom, Marin Muni. Water Dist. 1 FPPC 198 (No. 76-089, December 4,

1975.) In the last analysis, what is foreseeable must depend upon the facts and circumstances of each specific situation. The California Fair Political Practices Commission (FPPC) has provided some guidance, however, as to whether the approval of this developer's project will have a foreseeable financial effect on the councilmember's residence. In Gillmor, Gary G. Mayor, Santa Clara, 3 FPPC 38 (No. 76-089, April 6, 1977), the commission stated in the context of redevelopment zones that such zones are created for the precise purpose of upgrading portions of the community and creating a positive financial impact on investments and property values in the zone. Thus, it is intended and anticipated that the redevelopment will have a financial impact on real property located in and near the redevelopment zone. (See, Gillmor, supra, at 41.) In the Matter of Owen, 2 FPPC 77 (No. 76-005, June 2, 1976), it was conceded that decisions regarding a "core area" would have a substantial financial impact on the property value of a residence across the street. The foreseeability test probably would be met in the instant circumstances as well.

2. Financial Interest of Councilmember.

As we previously pointed out, an official has a financial interest within the meaning of Section 87100 if the decision will have a material financial effect on any real property in which the official has a direct or indirect interest worth more than \$1,000. (See, Gov. Code §87103.) Thus, unless the councilmember's residence is excluded from these provisions (as they are from

disclosure requirements (see, Gov. Code §87206(f)), she must be considered to have a financial interest which could be affected by the potential settlement. No case law or statutory provisions were found which specifically exclude the principal residence of a decision-maker from disqualification provisions.

Section 82000 states that unless the contrary is stated, or clearly appears from the context, the definitions set forth therein shall govern the interpretation of the disqualification provisions. It goes on to define an interest in real property as including any ownership interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the public official, or his or her immediate family, if the fair market value of the interest is greater than \$1,000. (Gov. Code §82033.) Since Sections 87100 et seq. do not specifically exclude an interest in the principal residence of the official for disqualification purposes (as does Section 87206(f) for purposes of disclosure) it would seem that in light of Section 82000, any such interest in real property on which the decision would have a material financial effect would be grounds for disqualification of the councilmember from both the settlement conferences and the zoning decisions.

3. Materiality of Effect.

Material financial effect has been defined by the Fair Political Practices Commission in the case of a direct or indirect interest in real property of \$1,000 or more held by a public official, as any decision the effect of which will be to increase

or decrease the fair market value of that property by the lesser of (i) \$10,000; or (ii) 1/2 of 1% if the effect is \$1,000 or more. (See, 2 Cal. Adm. Code §18702(b)(2).) Thus, if it is reasonably foreseeable that the settlement decisions in the instant case could increase or decrease the fair market value of the subject councilmember's property by \$1,000 (assuming the subject property is worth \$200,000 or less), then the councilmember should disqualify herself.

4. Distinguishable From Its Effect on Public Generally.

The commission has adopted regulations concerning the meaning of the phrase "effect on the public generally". These regulations state:

"A material financial effect of a governmental decision on an official's interests, . . . is distinguishable from its effect on the public generally unless the decision will affect the official's interest in substantially the same manner as it will affect all members of the public or a significant segment of the public. . . . (2 Cal. Adm Code §18703.) (Emphasis added.)

It appears clear in the present circumstances that the development of the subject sites could have an effect on the councilmember's property different from its effect on all members of the public. However, there may be some question as to whether the decision will affect the councilmember's property in the same manner as it does a significant segment of the public. In Owen, supra, the commission concluded that residential homeowners within, and in the immediate vicinity of, the "core area" (a 23-block downtown commercial and residential area) constituted a "significant segment of the public. (See, Owen, supra, at 81.) However, the

commission has subsequently held that individuals owning commercial real property in a redevelopment area affected by a rezoning decision do not constitute the public generally or a significant segment thereof. (See, Gillmor, supra, at 43, n.5.)

In the present case, if the development is limited in scope, its effect would also be limited. The proposed development is much more limited than the 23-block core area involved in Owen. The owners of real property immediately adjacent to the development would probably not constitute a significant segment of the public. Therefore, any effect on the councilmember's residence would probably be distinguishable from its effect on the public in general, or a significant segment of the public.

CONCLUSION

Disqualification due to a potential conflict of interest is many times a close decision. The interest held by the subject councilmember clearly exceeds the threshold amounts specified in Section 87103. It is not as clear, however, whether the Council's decision could have a reasonably foreseeable material effect on the value of such property. This will entail a subjective judgment based upon the specific facts concerning the residence.

As to whether any such effect is distinguishable from that on the general public, the commission's decision in Owen arguably indicates that an effect of this type would not be distinguishable from the effect on the public in general. However, in light of Gillmor, and the more limited area impacted by the

decision in this case, the commission would probably find that the residents in the area affected by this development application would not constitute a significant segment of the public. Thus, if the effect on the councilmember's residence is material, as defined in Administrative Code Section 18702, it is our recommendation that such councilmember disqualify herself from all participation in the settlement negotiations and any subsequent zoning actions.

FRONT LINE COMMUNITY PHYSICIANS
MEDICAL GROUP, [REDACTED]

FEB 11 9 16 AM '85

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ORANGE, CALIFORNIA 92667

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RICHARD T. PITTS, D.O.
DIPLOMATE AMERICAN BOARD OF EMERGENCY MEDICINE

EMERGENCY MEDICINE
OCCUPATIONAL HEALTH CARE
EMERGENCY DEPARTMENT ADMINISTRATION

February 5, 1985

Ms. Diane Maura Fishburn
Staff Counsel
Legal Division
State of California
Fair Political Practices Commission
P.O. Box 807
Sacramento, California 95804

Dear Ms. Fishburn:

I am writing in regards to what appears to be a controversy to some, but not a controversy to others, regarding my recent appointment and that of one other to the Board of Osteopathic Examiners.

My particular situation is that I lecture at the College of Osteopathic Medicine of the Pacific (COMP) between eight and twelve times a year, each lecture is approximately one to two hours. The subject covered is emergency medicine in which I am board certified. Compensation for this position is \$80 per hour. This basically covers my expenses for secretary time to do typing, automobile transportation and a cup of coffee.

Apparently the board's executive director and legal counsel feel that my lecturing at COMP constitutes a conflict of interest because the board in their opinion is responsible for accrediting the College of Osteopathic Medicine of the Pacific. Whether or not the board needs to accredit the school verses approving the school, which has been accredited by other accrediting bodies such as the American Osteopathic Association, is a separate issue.

I personally don't see any conflict in my appointment to the board. However, I would like you to be so kind as to issue a ruling on whether or not such an appointment constitutes a conflict of interest.

I am additionally writing at the request of Dr. Donald Dilworth, who is also a new appointee. He serves on the Board of Trustees of the school without compensation. The executive director of the board as well as the legal counsel has also raised an issue as to whether or not the appointment of Dr. Dilworth constitutes a conflict of interest when considering issues involving the school.

Although in a recent meeting on January 8, counsel and executive director were quite pleasant with regards to this issue, Mr. Williams is quoted in the enclosed article as seeing it as a "blatant conflict". Because of the apparently hot issue on the side of the executive director and the legal counsel, I would respectfully request that you respond to my request at your earliest possible convenience.

If I can be of further assistance, please feel free to contact me at (714) 771-3290.

Sincerely,

A handwritten signature in black ink, appearing to read 'RTP', with a stylized flourish at the end.

Richard T. Pitts, D.O.
Diplomate, American Board of Emergency Medicine
President, Osteopathic Board of Examiners

RTP/lm

Enclosure

Medical regulatory board is embroiled in dispute

Osteopath appointees accused of conflict of interest

By David Willman
Mercury News Sacramento Bureau

SACRAMENTO — An obscure but powerful five-member state board that decides who can practice a form of medicine in California is embroiled in a dispute over Gov. George Deukmejian's three most recent appointees.

The appointees to the Board of Osteopathic Examiners are all affiliated with a college in Southern California that is the only school in the West that trains prospective osteopathic doctors.

The executive director and the attorney for the state board say they believe the new appointees' affiliation with the school poses a conflict of interest because the college is regulated by the board.

"We see a rather blatant conflict of interest here," Executive Director Gareth J. Williams said in an interview. "Where do you draw the line between the school and the board? A state board should be apart and separate from the private aspect of medicine."

No-win choice

To avoid a conflict, Williams said, the new appointees face this choice: "They can resign from this board, or they can resign from the college," he said.

Saying that osteopaths were once regarded as "charlatans, quacks," Williams said he is "deeply concerned" about the consequences of an appearance of a conflict of interest.

Practitioners of osteopathy, a discipline of medicine and surgery that stresses manipulation of a patient's musculoskeletal system during diagnosis and treatment, have legal status equal to physicians who are licensed as medical doctors.

Williams noted that part of the board's work is to inspect and review the curricula and operations of the College of the Osteopathic of the Pacific, located in Pomona. The board also must test each graduate who wants to

practice in California.

"A quorum of the board is going to have to exempt themselves if they're examining any of the college of osteopathic medical students," he contended.

\$50 a meeting

Board members are paid \$50 for each meeting they attend and are reimbursed for their expenses.

Williams, who tried last November to dissuade Deukmejian from appointing the three new members, said he expects the conflict-of-interest dispute to come into the open today when they are seated for their first board meeting in Sacramento. Oversight of the osteopathic college in Pomona is one of the items on the agenda.

Two of the new appointees, Drs. Richard T. Pitts and Nazareth Asorian, could be prohibited from participating in some of the panel's policy decisions because each is a paid faculty member at the college. The third appointee, Dr. Donald R. Dilworth, is a non-paid member of the college's board of directors.

California law prohibits public officials from participating in governmental decisions affecting income sources from which they have received \$250 or more in the preceding year.

Commenting on behalf of Deukmejian, deputy appointments secretary Diana Marshall said the governor's office did assess the potential for conflict of interest after being contacted by Williams.

May have to abstain

"They may well have to abstain from voting on those particular issues," Marshall said, referring to the three osteopaths whose appointments were announced in December. But she added that she saw no legal reason for the appointees to be precluded from serving on the board. Marshall said her conclusion was based on advice given the governor's office by the staff of the Fair Political Practices Commission.

Marshall noted that medical doctors who teach at private or public medical schools in the state serve on the 19-member Board of Medical Quality Assurance, the physicians' counterpart to the Board of Osteopathic Examiners.

But Ken Wagstaff, executive director of the physicians' board, said the state law allows no more than four of the 19 members from having faculty affiliations with any of the eight medical schools in California. He also said that the board does not directly oversee the medical schools, nor does it personally review applicants for an M.D. license, as does the osteopathic panel.

Unquestioned competency

Williams, a 10-year employee of the osteopathic board who serves at the pleasure of the five members, said he does not question either the competency of Deukmejian's three new appointees or the quality of the college.

Williams' concern about a conflict of interest was echoed by Alex R. Tobin, an attorney who has been the board's full-time general counsel since 1974, and Dr. Billie J. Strumillo, an osteopath and eight-year member of the board, whom the governor has replaced.

"We are not looking for controversy," Tobin said. "We're looking for appointments that will serve the purpose of the (law). If it's true that people cannot appropriately serve two masters, how's it going to be resolved when it comes to dealing with the school? If there is a need for changes at the school, would there be objective action (by the new board members), or would there be an effort to bypass?"

Strumillo, who practices in Sacramento, said, "It is my opinion that they do have a conflict of interest."

"It is the responsibility of the board to approve and inspect this college. And how can you do this if you teach there, or are on the board of directors?"